(3)

No: 02-1539

Supreme Court, U.S.
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IN THE

Supreme Court of The United States

Andrew Bestor

Petitioner

v.

United States

Respondent

On Petition for Writ of Certiorari
To The United States Court of Appeals for the District of Columbia

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REPLY BRIEF

Andrew S. Bestor appearing *pro se*
144 11th St. SE, No. 4
Washington D.C. 20003
(202) 320-3638

11pp

Petitioner's Reply Brief

The Respondent waives *opposition,* and Petitioner (Bestor) hastens to note under this Court's Rule 15 the United States does not "perceive any misstatement in the petition" or object to any question raised.

Bestor then tries to quantify exactly what that means, and here looks at three lines of argument before this Court:

The first summarizes the Third Amendment, that is, **"the soldier in the house."**

The second - *IF REQUIRED* - **brings this Court to the Third Amendment.**
The third – *also IF REQUIRED* – **characterizes assailant's arguments** as **"Elected Officials in Private Conspiracy using Government Resources (technology and human) on the Quasi Private Dime,"** EFFECTIVELY ARGUING both **'there is no purely *private dime'*** when the saturation of '*the larger community*' and '*specific groups of government employees within that community* (such as at the *Library of Congress* or in the *Capital Police force*)' includes perceptions of loyalty, validation, inclusion, and reward, **and 'there is no private conspiracy'** at least to the extent certain participants – *foreign governments and some police officials in the United States for example* – had to participate on the basis of their offices and employment, and, *developed by the government,* certain technology utilized was (for that matter still is) unavailable to the general public.

"The soldier is in the house"

Bestor's Petition for *en banc* hearing noted three broad

categories of offenses in Bestor's Third Amendment claim:

a. Technology developed by the United States and pervasively utilized.
b. Participation *ipso facto* (even were the quartering a pleasant experience it would still be a constitutional violation).
c. Invidious behavior. Assailants could knock Bestor around his house or apartments like a ping pong ball without access to reconstructed neural impulse, indeed, emitting devices have varied, most notably including portable or street devices (as opposed to dish antennas) in Iowa City – radiating a writing seminar room – and Chicago – knocking Bestor out of the Brookfield Zoo – both in 1999.
d. A fourth category would address particular physical incursions into apartment, sleep monitoring, and application of electromagnetic radiation "raising him to" or "maintaining him in" a condition of high wakefulness in the apartment at which time others would exert dominance or project situational parameters into the apartment from outside the apartment (downstairs *Korean / Korean American* neighbor with drill and tools conducting disinformation campaign 1997/8 in Kent WA, upstairs *German foreign national* neighbor maintaining threat in Washington D.C. 2002/3), equating to coordinating radiation with other invidious acts. HERE BESTOR CLAIMS ONLY PART OF THE QUARTERING HAS TO BE IN THE HOUSE – only some of the soldier's effort or presence – has to be in the house to maintain the violation; some can be

immediately adjacent achieving the cumulative effect.

Bestor also raises nationalities of participants as an issue claiming foreign participant's participation is not shielded from the United States government, thusly supporting his actions against United States (no matter whose soldiers they are the United States government can not permit quartering except possibly in time of war, which in waiving an opposition the United States seemingly does not contest at least for the purposes of putting the matter before this Court).

Bringing this Court to the Third Amendment

Federal Tort Claims Act; or the manner in which a private party would accrue liability under state law, becomes very blurred very quickly by the impossibility of identifying agencies responsible,

by repeated relocations and flight caused by focused invidious behavior forcing the victim to flee across state lines and repeatedly relocate (*the whole idea behind Bestor buying the house in 1998 is nobody told him electromagnetic radiation can penetrate exterior walls as readily as interior walls, and 'dirt and concrete in the foundation' as readily as the thick wood boards, glass block, and lead shielding he had laboriously carried up three flights of stairs to his apartment previous*),

by the uncertainty of the fixed sum (if Bestor has to develop the NIH/CIA neuroprosthetic technology all over again it is likely billions – *provided the technology as the so called 'elected officials in private conspiracy' apparently*

were the cost is presumably much less),

and the time frame involved is unacceptable – the process awards the assailant an automatic six months free to continue the assault and then more time in process after that.

Feres and qualified immunity are also significant hurtles, bewildering to the true *pro se* litigant, and significant judicial opinion suggests neither precedent is uniformly applied. How would this Court have a *pro se* litigant act? Terrifying are judicial opinions characterizing other *pro se* litigation as "fishing expeditions." Maddening is the possibility others might suggest this situation would be better addressed out of Court – but fail to act.

Bestor claims all of those factors were skillfully exploited by educated assailants in either undertaking or shielding focused invidious behavior, managing to entirely defeat 42:1985 and 1986 in the District Court.

Here Bestor may be fortunate the ongoing assault is as prolonged, blatant and severe as it is – *Bergman* and *Glickman* were forced to wait and were the situation not currently unraveling this Court might expect Bestor to wait as well – though then again apparently *Kubrick* waited too long, a potential problem given the veiled warnings and oblique references characterizing this case. The bottom line is that the neuroprosthetics still have not been imaged and the warnings have been about "the feelings in your head" – will those vague comments and the absence of imaging be someday interpreted as a medical diagnosis that began to toll a statute of limitations? The really shameful aspect of this case is that in fact yes, if it fits their purposes the so called *'elected officials in private conspiracy using government resources (technology and human) on the quasi private dime' – any one of whom could have used their offices to 'blow the conspiracy out of the water in about ten minutes'* -

won't hesitate from seeking refuge in trivial legal objections against a *pro se* litigant when it suits their purposes.

"Elected Officials in Private Conspiracy using Government Resources (technology and human) on the Quasi Private Dime."

1. Utilization [incl. of Canadians, Scandinavians, other Europeans, and Americans in Europe]. It is possible this Court would let United States on one single occasion 'hand Bestor off' to a private conspiracy upon Bestor's return to the United States, (*over a period of days in March 1996 immediately having fled Japan, though noting a subsequent excursion to Canada April 15 1996 and deployment of agents on a speed boat Bestor vehemently agues against even that, and certainly not without telling Bestor*), but this Court will surely not permit juggling Bestor back and forth between public and private conspiracies.
    a. Bestor claims there is no way the 'elected officials' – *or more likely others acting on behalf of the elected officials* – could have made it clear to participants the activity was undertaken as a private conspiracy totally apart from the government offices of the elected officials, and Bestor very much suspects the *others acting on behalf of the elected officials* did not even try (do not even try).
    b. Also, the juggling makes it impossible for Bestor to see the so-called 'private conspiracy' past United States' intentional deployment of operatives such as *'the fat lady'* in Denver and Seattle in 1996 (same

lady in different cities). "Once you're in you're in" and there is a liability issue in shielding participants.

2. Ongoing participation of Capital Police and others in orchestrated behavior. It is possible for Bestor to show a RICO pattern, particularly given access to data gathered in utilization of the neuroprosthetic technology (*Can evidence in a Fourth Amendment case be accessed and utilized by litigants alleging ongoing and pervasive violations – presumably yes*). Bestor suggests at some point the magnitude of the allegation has to tip the scale back to Bestor.
3. Use of this CIA technology in and of itself here proves conspiracy.

End of the day Bestor very much hopes this Court will address the Third Amendment first for what may seem an unusual reason to experienced jurists – in fact, entering the Court system novice *pro se* Bestor felt the existing laws really were not bad. 42 U.S.C. 1985 and 1986 should have covered the Complaint, Congress has enacted some "victim's rights" legislation which Bestor cited in his Complaint, and there is some precedent to undertaking the action without having completed the FTCA (and even if there wasn't, as noted *Feres* and the FTCA are subject to judicial interpretation).

How do you make somebody address a 42:1986 complaint?

Bestor claims counsel should have been appointed as requested particularly as he was (is) under assault and is not *pauper* (he would have paid for it which was clear to the District Court, and given an emergent government technology welded by hostile assailants and various threat / surveillance mechanisms in and out of elected office

[actually different offices, migrating from the White House to the Senate] in a sprawling gutter fight across three continents and eight years, if this isn't one of the *extraordinary* civil cases warranting appointment of counsel it is difficult for Bestor to imagine a case which is), but if this Court corrects one judge this Court is only correcting one judge.

It is clear this case – while summarizing a lot of simmering issues – breaks new ground and a definitive opinion is required be the decision one of remand or specific orders enforcing the Third Amendment right and quartering prohibition (presumably equating to full discovery in this case), certainly of benefit to litigants far beyond Bestor.

Additional Points which must be considered in light of Respondent's waiver

In conspiracy, participants are responsible for actions and outcomes. The system of neuroprosthetics was designed to evade detection and it does. Use of postal workers (Roadhouse Seattle), parole agents (Albuq.), and others (USAID employees in Washington D.C.) successfully confuses Bestor. Either claiming a Constitutional violation or an ongoing assault should change proof requirements for Bestor before the federal bench; if he alleged the CIA was pervasively violating his Eight Amendment rights this Court would not let the Defense Intelligence Agency undertake the same violations knowing him to be slightly in err. That is particularly true given the technology involved in this case, which makes it impossible to communicate with Bestor individually.

A great concern is that this Court will remand on 42:1985

and 1986 rather than hearing the Third Amendment, which is better than affirming the dismissal but fails to support Bestor before the District Court and before the assailants as effectively as hearing the Third Amendment argument would.

In oral argument Bestor would certainly note the number of times police were used – in Seattle telling him to call the city code department, in Iowa City, and in Washington D.C. - Sergeant Massey of the Capital Police telling him 'he could remain in the buildings as long as he didn't cause any trouble' - which is pervasive in the District Court record, in trying to explain the police showed no inclination to investigate (nor did the FBI) but actually inhibited him, and so heightened the neuroprosthetics issue.

In oral argument Bestor would also note barriers to 42:1986 in that the average *pro se* litigant doesn't understand the Federal Tort Claims Act,
subjected to electromagnetic radiation *at times severe and painful* wouldn't take the step of leveling the accusation six months before filing the claim which they didn't know they had to do until a month or two into the Court process anyway (though if the District Court had appointed counsel the latter point would be diminished),
and the FTCA would have required identifying the appropriate agency and specifying a given amount of money (fixed sum) NEITHER OF WHICH Bestor could do with the remotest certainty largely given the success of the 42:1986 conspiracy.

Bestor tried to approach the Supreme Court in August 2001, or about six months prior to filing his complaint in February 2002, with every expectation that alone should have been sufficient to mitigate the invidious behavior. It wasn't, but he

did not know that then – the larger point being here, in enforcing the Federal Tort Claims Act, this Court would make this victim anticipate the assailant.

Bestor got to the Third Amendment by way of unique and compelling circumstances, but ultimately suggests the Third Amendment – to the extent it was intended to physically shield citizens from government – is a companion piece to other 42:1986 (conspiracy) complaints or in any case has been unnaturally restrained in light of expansions permitted other Amendments, for example saying *the Fourth Amendment protects people and not places* – a phone booth in *Katz 389 U.S. 347 at 353*.

The bitter irony of this situation is that Bestor does not seek any expansion of the prohibition beyond plain reading of the Amendment, and finds himself alone in battling to secure a basic right certain to be used as a shield – *tough to see the Third Amendment used as a sword* – by others suffering invidious assault.

A Recent Event
taking place since Bestor filed Petition for Writ

In his Appeal Brief, Bestor alleged Edward Kennedy, a seated United States Senator, was featured in an image sequence induced in Bestor's brain via the system of neuroprosthetics, and uniquely threatened Bestor with "vascular dementia" [Appeal Brief at 23].

In the early morning hours of May 6, 2003, another image sequence featuring Senator Kennedy was induced in Bestor's brain utilizing the system of neuroprosthetics again while Bestor was in his apartment.

In the first instance the film was made shortly before being induced (a matter of days); in the latter instance the film was made some weeks or months prior to being induced but was seemingly supplemented by the 'live audio track presence' of Kennedy (the image sequence showed Kennedy and a winter sun outside a window but featured Kennedy's distinct voice responding in "dialogue").

At some level this Court must question the actions of the United States 'seen in this case' apart from the context of this case – is it possible the United States has an Auschwitz somewhere people visit to take part in the image induction process, or was Kennedy able to participate via telephone – getting up early on a Tuesday morning (about 3:30 or 4:00 a.m.) specifically to harass someone using a 'live feed' to government technology. In fairness to Senator Kennedy the latter instance was perhaps less invidious than the first – no direct threat was articulated. Bestor can only suggest that anticipating inquiry Kennedy sought to mitigate the extreme nature of the first instance with the conceptually neutral content of the second instance.

A final time claiming *pro se* litigants suffer pervasive prejudice before the federal bench, Bestor notes at least in this case the District Court's failure to appoint counsel has not enhanced the majesty of the law in the United States.

Respectfully submitted,

Andrew S. Bestor appearing *pro se*
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Washington D.C. 20003
(202) 320-3638